

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSHUA COPENHAVER,

Case No. 1:05-CV-675

Plaintiff,

Hon. Richard Alan Enslen

v.

CLAIRE HAMMER, *et al.*,

Defendants.

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**ORDER**

This matter is before the Court on Plaintiff's Motion for Summary Judgment. Plaintiff initiated the present action on September 30, 2005, asserting numerous claims, including that his rights under the Eight Amendment and the Americans with Disabilities Act ("ADA") were violated. Many of Plaintiff's claims were dismissed for failure to exhaust administrative remedies. Plaintiff's claims under the ADA were also dismissed. Plaintiff now brings a Motion for Summary Judgment. For the reasons articulated herein, Plaintiff's motion is **denied**.

Plaintiff is entitled to summary judgment only if he can demonstrate that there exist "no genuine issue[s] as to any material fact" and, furthermore, that he is "entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). On a Rule 56 motion, the Court cannot try issues of fact, but is empowered to determine only whether there exist issues in dispute to be decided in a trial on the merits. *See Perez v. Aetna Ins. Co.*, 96 F.3d 813, 819 (6th Cir. 1996). The crux of the motion is "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251-52

(1986). A motion for summary judgment requires “inferences to be drawn from the underlying facts...in the light most favorable to the party opposing the motion.” *Matsushita Electric Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986).

While Plaintiff has reiterated at length the allegations which he believes entitle him to relief, he has submitted no evidence demonstrating that there exist no genuine issues of material fact regarding such allegations. The only “evidence” submitted in support of the present motion is copies of (a) misconduct reports concerning alleged rules violations committed by Plaintiff and (b) grievances which Plaintiff apparently submitted regarding the subject of his allegations. Such evidence fails to demonstrate the absence of a genuine factual dispute. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s Motion for Summary Judgment (Dkt. No. 59) is **DENIED**.

DATED in Kalamazoo, MI:  
November 13, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE